

# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

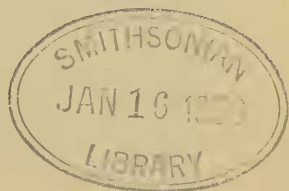
*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**  
Secretary to the Commission

**VOLUME 11. Part 22. Pp. 339—358**

## **OPINION 372**

Suppression under the Plenary Powers of the generic names *Eriechinus* Pomel, 1883, and *Typhlechinus* Neumayr, 1889, for the purpose of rendering the generic name *Lovenechinus* Jackson, 1912, the oldest available name for the genus concerned (Class Echinoidea)



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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 372

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*Vice President* : Senhor Dr. Afranio do Amaral (*Sao Paulo, Brazil*) (12th August 1953)

*Secretary* : Mr. Francis Hemming (*London, England*) (27th July 1948)

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Dr. L. B. HOLTUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

## OPINION 372

SUPPRESSION UNDER THE PLENARY POWERS OF THE  
GENERIC NAMES "ERIECHINUS" POMEL, 1883,  
AND "TYPHLECHINUS" NEUMAYR, 1889, FOR  
THE PURPOSE OF RENDERING THE GENERIC  
NAME "LOVENECHINUS" JACKSON, 1912,  
THE OLDEST AVAILABLE NAME FOR  
THE GENUS CONCERNED (CLASS  
ECHINOIDEA)

**RULING** :—(1) Under the Plenary Powers, the under-mentioned generic names are hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy :—(a) *Eriechinus* Pomel, 1883 ; (b) *Typhlechinus* Neumayr, 1889.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name No. 895 :—*Lovenechinus* Jackson, 1912 (gender : masculine) (type species, by original designation : *Oligoporus missouriensis* Jackson, 1896).

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 516 :—*missouriensis* Jackson, 1896, as published in the combination *Oligoporus missouriensis* (specific name of type species of *Lovenechinus* Jackson, 1912).

(4) The generic names specified in (1) above, as there suppressed under the Plenary Powers, are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Nos. 311 and 312 respectively.

### I.—THE STATEMENT OF THE CASE

The present *Opinion* is concerned with the second portion of the last of the eight cases relating to disputed Echinoderm names

submitted to the International Commission on Zoological Nomenclature by the late Dr. Th. Mortensen (*Universitetets Zoologiske Museum, Copenhagen*) under cover of a letter dated 17th November 1932. The arguments in regard to these cases are set out in a paper by Dr. Mortensen entitled "A Vote on some Echinoderm Names", which had been published a month earlier (Mortensen, October 1932, *Ann. Mag. nat. Hist.* (10) 10 : 345—368). The present application is concerned with the names *Eriechinus* Pomel, 1883, *Typhlechinus* Neumayr, 1889, and *Lovenechinus* Jackson, 1912. Of these names, *Lovenechinus* Jackson was, Dr. Mortensen explained, in general use. Bather had shown however that the type specimen of the type species of *Eriechinus* Pomel (and also of the genus *Typhlechinus* Neumayr which has the same type species as *Eriechinus* Pomel) was referable to a species of the genus currently known as *Lovenechinus* Jackson. Thus, under the normal provisions of the *Règles* the name *Lovenechinus* Jackson would need to be replaced by the previously almost unused name *Eriechinus* Pomel. It was the object of Dr. Mortensen's application to prevent the rejection of the name *Lovenechinus* Jackson in this way.

2. The following is an extract from Dr. Mortensen's paper "A Vote on some Echinoderm Names" of the portion of the eighth Section which deals with the present case :—

**"Pholidocidaris" Meek & Worthen, "Lovenechinus" Jackson<sup>1</sup>**

By TH. MORTENSEN

(*Universitetets Zoologiske Museum, Copenhagen*)

(extract from a paper entitled "A Vote on some Echinoderm Names", published in October, 1932, *Ann. Mag. nat. Hist.* (10) 10 : 365—367)

The genus *Pholidocidaris* was established in 1869 by Meek & Worthen, in their paper "Descriptions of new Crinoids and Echinoids from the

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<sup>1</sup> For the portion of this part of Dr. Mortensen's paper which is concerned with the generic name *Pholidocidaris* Meek & Worthen, see *Opinion* 371,

Carboniferous Rocks of the Eastern States" (*Proc. Acad. Nat. Sci. Philadelphia*, 1869, p. 76) for the species *irregularis*, originally described by the same authors (*op. cit.* p. 78) as *Lepidocentrus irregularis*. The name *Pholidocidaris* has been very generally accepted—by Zittel, Lovén, Duncan, Lambert and Thiéry, and, particularly, by Jackson, in his monographic work on palaeozoic Echini ('Phylogeny of the Echini', 1912).

In 1918 Bather, in his paper "*Protoechinus* Austin" (*Ann. & Mag. Nat. Hist.* ser. 9, vol. i. p. 40) showed, through a re-examination of the original specimen, that the Echinoid described by Austin in 1860 ("On a new Genus of Echinoderm, and Observations on the Genus *Palaeochinus*," 'The Geologist', iii. p. 446), under the name of *Protoechinus anceps*, is a *Pholidocidaris*, stating, however, that "since Austin's description has proved to be quite unrecognizable, the name *Protoechinus*, though of earlier date, cannot possibly supplant *Pholidocidaris* Meek & Worthen, 1869".

The genus *Lovenechinus* was established by Jackson in his 'Phylogeny of the Echini', 1912, p. 324, with *Oligoporus missouriensis* Jackson as the genotype. To this genus belongs also the species *lacazei*, described by Julien, 1896 ('Le terrain carbonifère marin de la France centrale', p. 128, pl. xvi. figs. 3—5), as *Palaeochinus lacazii*. Identical with this species is the specimen described by de Koninck, 1869 ("Sur quelques Echinodermes remarquables des terrains paléozoïques", *Bull. Acad. R. Belgique*, sér. 2, xxviii. p. 546, fig. 1; and 1870, "On some new and remarkable Echinoderms from the British Palaeozoic Rocks", *Geol. Magaz.* dec. 1, vol. vii. p. 259, pl. vii. fig. 1), under the name of *Palaeochinus sphaericus* M'Coy, the identification with this latter species being erroneous.

Basing on de Koninck's description of *Palaeochinus sphaericus*, Pomel (1883, in his 'Classification méthodique et genera des Echinides vivants et fossiles', p. 114) established the genus *Eriechinus*, with *P. sphaericus* as the genotype, this genus differing from *Palaeochinus* "par la structure de l'apex, dont une des génitales n'a qu'un seul pore et dont les ocellaires sont en dehors du cadre dans les angles."

Not knowing Pomel's work, Neumayr in 1889 ('Die Stämme des Tierreichs', i. p. 363) established the genus *Typhlechinus* for the same, false *Palaeochinus sphaericus*, this name being, of course, a synonym of *Eriechinus* Pomel.

De Koninck's specimen of "*Palaeochinus sphaericus*" was re-examined by Bather (see Jackson's 'Phylogeny', pp. 330—331), who showed that the ocular plates are present, though small. The specimen is not identical with *Palaeochinus sphaericus* M'Coy (now *Maccova sphaerica* (M'Coy)), but with Julien's *Palaeochinus lacazei*, now *Lovenechinus lacazei* (Julien).



Jackson, although well aware of the fact that this species *lacazei* had thus already, as a matter of fact, been made the type of two genera, *Eriechinus* Pomel and *Typhlechinus* Neumayr, thought it justifiable to consider these two names as "out of court as generic names", because they are based on erroneous observations and erroneous identification, and so created a new name, *Lovenechinus*, of which both *Eriechinus* and *Typhlechinus*, though earlier established, are regarded as synonyms.

The two cases of *Pholidocidaris* and *Lovenechinus* are exactly parallel. In both cases the older name is rejected because of the insufficient or erroneous character of the original descriptions; but in both cases the original specimen is preserved, through re-examination of which their true characters have been made known and their exact systematic position been ascertained.

If that were to be made the general rule that insufficient descriptions or erroneous identifications should be good reason for rejecting names of earlier date and establishing new names instead, where would we be with most of the elder literature? How many of Linnaeus's or Lamarck's names would then stand criticism? Does not everybody accept the names of these and other old authors, in spite of all inadequacy of the original descriptions, if only we have their original specimens—or even if by any other means we can make a reasonable conclusion as to which species are really meant? But here, in the two cases mentioned, it means nothing that we have the original specimens and have been able to ascertain their characters and exact systematic position.

It would seem that beyond doubt that according to the Rules, and in accordance with fair treatment of older authors, the name *Protoechinus* should replace *Pholidocidaris*, and the name *Eriechinus* replace *Lovenechinus*, as the older and being perfectly recognizable through the original specimens. However, nothing at all would be gained by reintroducing these elder little-known names instead of those used in the main literature and generally known; on the contrary, introducing these older names could only result in trouble and further confusion. We, therefore, recommend the codification of the two names, thus:—

*Pholidocidaris* Meek & Worthen, with genotype *Lepidocentrus irregularis* Meek & Worthen.

*Lovenechinus* Jackson, with genotype *Oligoporus missouriensis* Jackson.

3. As has been explained in paragraphs 1 and 2 of *Opinion 206* (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 3 : 319—338)

relating to the name *Diadema* Gray, 1825 (a case which was submitted jointly with the present case), an extensive canvass of the views of active workers in the Echinoderms<sup>2</sup> had been undertaken by Dr. Mortensen before the present case was submitted to the International Commission. Of the thirty-nine (39) specialists who had taken part in this consultation, thirty-four (34) supported the proposals submitted to the Commission, the specialists taking this view being :—Bather ; Brighton ; A. H. Clark ; H. L. Clark ; Cottreau ; Deichmann ; Diakonov ; Hawkins ; Döderlein ; Faas ; Fedotov ; Fisher ; Goto ; Grieg ; Hecker ; Heding ; Hérouard ; Jackson ; Klinghardt ; Lambert ; Lieberkind ; Mortensen ; Nobre ; Ohshima ; Panning ; Ravn ; Reichen-sperger ; Schmidt ; Spencer ; Stefanini ; Valette ; Vaney ; Wanner ; Yakovlev. Two (2) (Currie ; Gregory) were opposed to the application. The remaining three (3) (Ekman ; Gislén ; von Hofsten) did not vote on this case.

## II.—THE SUBSEQUENT HISTORY OF THE CASE

**4. Consultation in 1932 with palaeontologists of the United States Geological Survey :** In December 1932 the then Secretary (the late Dr. C. W. Stiles) reported Dr. Mortensen's application to the Commission in Circular Letter 220. On 20th December of that year, he wrote also to the Director of the United States Geological Survey, expressing the hope that arrangements might be made for these proposals to be examined by the palaeontologists of the Survey. On 19th January 1933, the Director replied, forwarding five comments by members of the staff, of which one was signed by two workers. These comments, in so far as they relate to the present case, were as follows :—

### (a) Comment by L. W. Stephenson and C. Wythe Cooke :

I am in favor of codifying names concerning the strict validity of which there may be some question, if they have been in generally

<sup>2</sup> The full addresses of the specialists who took part in this consultation have been given in paragraph 2 of *Opinion* 206 (*Diadema*), the first *Opinion* to be rendered by the Commission on any of the cases submitted to it in 1932 by Dr. Mortensen and his colleagues.

accepted use for long periods, but when it can be shown clearly that some other name has priority over a later more generally used name, as seems to be the case with both *Protoechinus* and *Eriechinus*, is there not a danger of adding to, rather than subtracting from, the confusion? Will not some authors accept the rulings of the International Commission, while others will continue stoutly to maintain the validity of the names having priority. Furthermore, will not such rulings encourage a flood of demands for Suspension of the Rules?

**(b) Comment by Lloyd G. Henbest :**

Dr. Mortensen's petition to conserve and restore certain Echinoderm names seems to be reasonable, except in the cases of *Diadema*, *Pholidocidaris* and *Lovenechinus*.

. . . . .

If the original presentations of the names *Protoechinus* and *Eriechinus* were beneath the standards of their times and especially if the type specimens are very poor fossils, I believe that any excuse for rejecting the names should be taken. Dr. Mortensen's petition does not make it entirely clear that such is the situation; therefore his action is subject to debate and is possibly unjustified.

**(c) Comment (dated 6th January 1933) by John B. Reeside, Jr. :**

I see no particular objection to placing all of the names on the *List* of established names.

**(d) Comment by Edwin Kirke (referring to Dr. Reeside's comment) :**

I concur, except in the case of *Diadema*. [See *Opinion* 206.]

**(e) Comment (dated 16th January 1933) by W. P. Woodring :**

I am not familiar with the usage of these Echinoderm names, but as a general principle—other things being equal—I am in favor of special protection for names of long-standing usage that are being threatened.

**5. Report to the Commission by Dr. C. W. Stiles in March 1935 :** In December 1933, Dr. Stiles reported to the Commission (in Circular Letter 245) the comments received earlier in that year from the palaeontologists of the Geological Survey. In March 1935, Dr. Stiles reported to the Commission (in Circular Letter 291) that he had received no further comments on this or the other proposals submitted by Dr. Mortensen and his colleagues, and suggested that these proposals should be considered by the Commission when it met at Lisbon in September of that year.



**6. Postponement of the present application at Lisbon in 1935 :** When the International Commission assembled at Lisbon in 1935, the Secretary was absent through ill-health and the documents relating to the present case were not available. The Commission accordingly found itself unable to deal with this application at that Session.

**7. Registration of the present application :** At the time of the transfer of the Secretariat to London, following the election of Mr. Francis Hemming to be Secretary to the International Commission in succession to Dr. Stiles, the papers relating to this and other cases were transferred to his care in 1938. It was then decided, as a temporary measure, to register as a single unit the complex of applications submitted in Dr. Mortensen's paper "A Vote on some Echinoderm Names", and the Registered Number Z.N.(S.) 18 was allotted to that complex. When later it was decided to deal separately with each of the foregoing applications, the Registered Number Z.N.(S.) 613 was allotted to the present case.

**8. Wartime difficulties :** The re-organisation of the Secretariat consequent upon its transfer to London and the arrangements required to be made for the provision of a small fund to enable the Commission to start its work at its new headquarters had barely been completed when in September 1939 the outbreak of war in Europe led to the evacuation of the records of the Commission from London to the country as a precaution against the risk of destruction through air raids. The Secretariat of the Commission in London was re-opened in 1942 and steps were immediately taken to establish the *Bulletin of Zoological Nomenclature* as a means for bringing to the attention of zoologists applications submitted to the Commission for decision. Work was at once started on those of the outstanding applications which were either sufficiently advanced to permit of their being published forthwith or with the authors of which it was possible for the Secretariat, notwithstanding the war then in progress, to communicate by post. The occupation of Denmark by German Armed Forces made it impossible however for the Secretariat at that time to communicate with Dr. Mortensen and it was accordingly not possible, until after the close of hostilities

in Europe in 1945, to make any progress on this and the other cases of Echinoderm nomenclature which he had submitted to the Commission.

**9. Conference between Mr. Hemming and Dr. Mortensen in London in 1946 :** In the summer of 1946 Dr. Mortensen took advantage of the restored opportunities for foreign travel following the Liberation of Denmark to visit London, largely for the purpose of discussing with Mr. Hemming the arrangements to be made for the further consideration of this, and his other, applications by the International Commission. Dr. Mortensen then intimated that he attached such great importance to obtaining decisions from the Commission at the earliest possible moment in regard to certain of the cases dealt with in his paper "A Vote on some Echinoderm Names", notably his applications relating to the names *Diadema*<sup>3</sup> and *Spatangus*<sup>4</sup>, that he had come to the conclusion that it might be advantageous if he were to withdraw at least temporarily his applications in regard to the names *Pholidocidaris* Meek & Worthen and *Lovenechinus* Jackson. This, Dr. Mortensen explained, was not because he no longer attached importance to the proposals which he had submitted in regard to these names but because he felt that, if he were in this way to reduce the number of applications in regard to Echinoderm names awaiting attention, it might make it easier for the Commission to deal with those of his applications for which he was anxious to obtain the highest possible measure of priority. Mr. Hemming undertook to report these suggestions to the Commission, but added that, speaking personally, he thought that it would be undesirable simply to drop these applications in view of the large amount of publicity which they had secured through having been included in Dr. Mortensen's paper "A Vote on some Echinoderm Names"; if the proposals were to be abandoned, the proper course, in his (Mr. Hemming's) view, would be for the Commission to deal with these cases affirmatively, that is by placing on the *Official List of Generic Names in Zoology* the

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<sup>3</sup> A decision on this subject has since been taken by the International Commission and has been embodied in *Opinion* 206 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 3 : 319—338).

<sup>4</sup> A decision on this subject has since been taken by the International Commission and has been embodied in *Opinion* 209 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 3 : 367—392).

names which it had been Dr. Mortensen's original intention should be suppressed. Mr. Hemming added that, pending a decision by the Commission as to the procedure to be followed in these cases, it would be necessary to treat them as being still on the Commission's Agenda.

**10. Decision on procedure taken in Paris in 1948 :** The present case was considered by the International Commission on Zoological Nomenclature at the Fourteenth Meeting of its Paris Session held at the Sorbonne on Monday, 26th July 1948 at 2030 hours. At this meeting the Commission reviewed the stage reached in regard to each of the eight applications included in Dr. Mortensen's paper "A Vote on some Echinoderm Names" (Paris Session, 14th Meeting, Conclusion 32 (1950, *Bull. zool. Nomencl.* 4 : 509—514)) and took decisions on the procedure to be adopted in regard to these cases. Mr. Hemming then reported the receipt from Dr. Mortensen of the suggestion that his application in regard to the present case and also that in regard to the name *Pholidocidaris* Meek & Worthen should be regarded as having been temporarily withdrawn. After taking note of the communication received from Dr. Mortensen (Conclusion 32 (1)(d)), the Commission took the following decision in regard to the procedure to be adopted in regard to the applications relating to the names *Pholidocidaris* Meek & Worthen and *Lovenechinus* Jackson (Conclusion 32(4) (1950, *ibid.* 4 : 513)) :—

THE COMMISSION :—

agreed, that, having regard to the wide publicity which had been given to the proposal that the Plenary Powers should be used in the case of the names *Pholidocidaris* Meek & Worthen, 1869, and *Lovenechinus* Jackson, 1912, it would not be appropriate to allow that application to lapse, the proper course in such a case being to place on the relevant "Official List" the names for which it had previously been proposed that the Plenary Powers should be used, the entries so made to be those prescribed under the *Règles*, and accordingly invited the Secretary to the Commission to confer with specialists for the purpose of securing the submission to the Commission of alternative proposals on the foregoing lines, if that was the general wish of interested specialists.

**11. Discussions with Dr. Mortensen after the close of the Session held by the Commission in Paris in 1948 :** For a period of about eighteen months following the close of the Session held

by the Commission in Paris in 1948 the entire resources of the Office of the Commission were concentrated upon the preparation and publication of the Official Record of the meetings held by the Commission during that Session and of those of the Section on Nomenclature of the Paris Congress. Following the publication in 1950 of these *Official Records* work was resumed both on current applications awaiting attention and also on the cases which had been considered in Paris but on which for one reason or another final decisions had not then been taken. At this stage discussions were opened between the Secretary and Dr. Mortensen as to the procedure to be adopted for giving effect to the decision taken in regard both to the present case and to that relating to the name *Pholidocidaris* Meek & Worthen. Dr. Mortensen expressed gratification that the Commission had found it possible during its Paris Session to take final decisions on the other cases included in his paper "A Vote on some Echinoderm Names". He welcomed also the action of the Commission in deciding to proceed with the cases relating to the names *Pholidocidaris* and *Loven-echinus*. Dr. Mortensen asked however that, in view of his age and his many other urgent pre-occupations, he might be excused from the labour of preparing revised applications in regard to these cases. It was accordingly agreed between Mr. Hemming and Dr. Mortensen that the former should, as Secretary, prepare, in consultation with Dr. Mortensen, a note on the applications relating to the foregoing names, in which, after setting out the issues involved and the proposals in regard thereto submitted by Dr. Mortensen, he would appeal to interested specialists to furnish the Commission with advice as to the action which it was desirable should be taken.

**12. Publication in 1952 of a review of the present case and of an appeal to interested specialists for advice thereon :** In accordance with the arrangements described in the preceding paragraph Mr. Hemming in the autumn of 1951 prepared a note in regard to the present case, at the conclusion of which he appealed to interested specialists for advice as to the action which it was desirable should be taken by the Commission. Mr. Hemming's note was published on 15th April 1952 (*Bull. zool. Nomencl.* 7 : 220—225). The first two paragraphs contained an account of Dr. Mortensen's proposals and of the procedural decisions



thereon taken by the Commission in Paris in 1948 (see paragraph 10 above). The remainder was as follows :—

**Case 26 : On the proposed use of the Plenary Powers to suppress the generic names “*Eriechinus*” Pomel, 1883, and “*Typhlechinus*” Neumayr, 1889, for the purpose of validating the name “*Lovenechinus*” Jackson, 1912 (Class Echinoidea)**

By FRANCIS HEMMING, C.M.G., C.B.E.

*Secretary to the International Commission on Zoological Nomenclature*

(extract from a paper entitled “ Preliminary Report on Twenty-Eight individual nomenclatorial problems remitted by the International Commission on Zoological Nomenclature for special investigation: Request to specialists for advice ”)

. . . . .

64. As a preliminary to discharging the duty so entrusted to me, I re-examined the application submitted by Dr. Mortensen and his colleagues for the purpose of making sure that it was not affected by any of the decisions in regard to the *Règles* taken by the International Congress of Zoology at Paris in 1948. This examination showed at once that the situation was materially different in one important respect from that which the applicants had believed it to be when in 1932 they submitted this application to the Commission.<sup>5</sup> It will be seen from the summary of this application given in paragraph 62 above that the basis of the case submitted was the belief that the generic name *Lovenechinus* Jackson, 1912 (the name which it was the object of the applicants to preserve) was invalid because the type species of the genus so named was subjectively congeneric not with the nominal species *Palaeechinus sphaericus* McCoy, 1844, the sole species cited by Pomel in 1883 when erecting the nominal genus *Eriechinus* and by Neumayr in 1889 when erecting the nominal genus *Typhlechinus* but with the species which, in the opinion of the applicants, Pomel and Neumayr had each been misled by the previous action of de Koninck in 1869 into misidentifying with that species. In other words, the case put forward by the applicants was that the nominal genus *Eriechinus* Pomel, 1883, and the objectively identical nominal genus *Typhlechinus* Neumayr, 1869, were both genera based upon misidentified type species and that, on the assumption that the type species of both those genera was the nominal species to which Pomel and Neumayr respectively had intended to refer and not the nominal species to which they did actually refer, the generic name *Lovenechinus* Jackson, was a subjective junior synonym of the generic names *Eriechinus* Pomel and *Typhlechinus* Neumayr.

<sup>5</sup> The original application by Dr. Mortensen has been reproduced in paragraph 2 of the present *Opinion*.



65. At the time when the present application was submitted to the Commission the only guidance available to specialists as to the treatment to be accorded to the names of genera based upon misidentified type species was that afforded by the Commission's *Opinion* 65 (1924, *Smithson. Publ.* 2256 : 152—169), in which the Commission had given a ruling which implied that in the case of a genus falling in the foregoing class it was the nominal species actually cited which was normally to be accepted as the type species ; the same subject was dealt with by the Commission at its Session held in Lisbon in 1935, the decision then reached being later embodied in *Opinion* 168 (1945, *Opinions Decls. int. Comm. zool. Nomencl.* 2 : 411—430). In that *Opinion* the general principle laid down in *Opinion* 65 was amplified and confirmed but the central issue, that is, what species should be accepted as the type species of a genus which specialists agreed was based upon a misidentified type species, still remained unsettled. This important question was considered exhaustively by the International Commission when in Paris it had under consideration the recommendation to be submitted to the International Congress of Zoology for the clarification of the rulings given in the foregoing *Opinions* as a preliminary to the incorporation of those rulings, so clarified, into the *Règles* themselves. The Commission then agreed to recommend (1950, *Bull. zool. Nomencl.* 4 : 158—159) that words should be inserted in the *Règles* providing (1) that, subject to (2) below, the nominal species designated or indicated as the type species of a nominal genus at the time when the generic name in question is first published or, where no such species was either so designated or indicated by the original author, the species later selected to be the type species, is to be deemed to have been correctly identified by the original author of the generic name, but (2) that, where there are grounds for considering that the species in question had in fact been misidentified by the original author the case in question is to be submitted to the International Commission. On receiving such a case, the Commission, if satisfied that such a misidentification had occurred, is to use its Plenary Powers to designate as the type species of the genus either the species intended by the original author, when citing the name of the erroneously determined species, or, if the identity of that species is doubtful, a species in harmony with current nomenclatorial usage, except where the Commission is of the opinion that such a use of the Plenary Powers would result in greater confusion than uniformity. The recommendation so submitted by the International Commission was subsequently approved by the International Congress of Zoology. It is therefore in the light of the foregoing provision that the problem raised by the present application must be judged.

66. It is immediately evident that the problem now to be considered is totally different from that envisaged in the application submitted to the Commission : (1) It is the species to which the name *Palae-echinus sphaericus* McCoy, 1844, properly applies which would be the type species of *Eriechinus* Pomel, 1883 (and, therefore, also of *Typhlechinus* Neumayr, 1889) if it were not for the evidence brought forward

by Dr. Mortensen and his colleagues that, following de Koninck (1869), Pomel (1883) and Neumayr (1889) misidentified the species to which they applied the *Palaeechinus sphaericus* M<sup>C</sup>Coy, 1844, the species so misidentified being *Palaeechinus lucazei* Julien, 1896. (2) In view of the foregoing evidence of misidentification it is obligatory under the *Règles* that the question of the species to be recognised as the type species of *Eriechinus* Pomel (and *Typhlechinus* Neumayr) should be submitted to the International Commission for decision and on the submission of such an application it becomes the duty of the Commission to settle the above question. (3) If the Commission were to be satisfied that Pomel and Neumayr had each misidentified *Palaeechinus lucazei* Julien as *Palaeechinus sphaericus* M<sup>C</sup>Coy, it would then be the duty of the Commission to use its Plenary Powers to designate *Palaeechinus lucazei* Julien to be the type species of both *Eriechinus* Pomel, 1883, and of *Typhlechinus* Neumayr, 1889, unless it was satisfied that the designation of that species to be the type species of those genera would lead to confusion. But it was the whole point of the application submitted by Dr. Mortensen and his colleagues that it would be confusing to accept the above species as the type species of these genera (because to do so would make *Lovenechinus* Jackson, 1912, a junior subjective synonym of the above generic names) and it was for this reason that the foregoing applicants asked the Commission to suppress the above two generic names. If the Commission were to accept the view that it would be confusing to recognise *Palaeechinus lucazei* Julien as the type species of *Eriechinus* Pomel (and *Typhlechinus* Neumayr), the only other species which it would be possible for it to designate as the type species of these genera would be the true *Palaeechinus sphaericus* M<sup>C</sup>Coy, 1844. According however to the application submitted to the Commission, the above species was then treated by specialists as belonging to another genus, namely *Maccoya* Pomel, 1883. If this is the taxonomic view still held by specialists, the position would be that *Eriechinus* Pomel, 1883, and *Maccoya* Pomel, 1883, are no more than different names for the same genus; both were published in the same work on the same date and, as *Eriechinus* has page precedence over *Maccoya*<sup>6</sup>, it would replace that name, unless the Commission were to take steps to prevent this from happening.

67. It will be seen from the foregoing analysis first that the problem involved in the present case is one which can be resolved only by obtaining a decision from the Commission; second, that it would still be necessary to invoke the use of the Plenary Powers to suppress the generic names *Eriechinus* Pomel and *Typhlechinus* Neumayr unless it were felt that there would be no objection to the name *Eriechinus*

<sup>6</sup> At the time when the above passage was written, the Page Precedence Rule governed, as here stated, the relative precedence to be accorded to names published in the same book and on the same date. In 1953 at Copenhagen this provision was repealed by the Fourteenth International Congress of Zoology which reinstated the First Reviser Rule for use in such cases (1953, *Copenhagen Decisions zool. Nomencl.* : 66—67, Decisions 123 and 124).

Pomel replacing either (a) the name *Lovenechinus* Jackson, 1912 (which is was the purpose of the present application to avoid) or (b) the name *Maccoya* Pomel, 1883, a contingency which was not considered in the application submitted to the Commission.

68. In these circumstances, the questions on which the advice of interested specialists is sought are : (1) Would it be confusing to accept the true *Palaeechinus sphaericus* M<sup>C</sup>Coy, 1844, as the type species of *Eriechinus* Pomel, 1883 ? If so, would the confusion be such as to call for the use of the Plenary Powers for the purpose of suppressing the name *Eriechinus* Pomel, 1883 ? (2) Would it be confusing to accept *Palaeechinus lucazei* Julien, 1896, as the type species of the genus *Eriechinus* Pomel (and of the genus *Typhlechinus* Neumayr) ? If so, would the confusion be such as to call for the use of the Plenary Powers for the purpose of suppressing both the foregoing generic names ? (3) If it is considered that neither of the foregoing results would lead to sufficient confusion to call for the use of the Plenary Powers, which of the only two remaining courses of action open to the Commission would be preferred (a) the designation by the Commission of *Palaeechinus sphaericus* M<sup>C</sup>Coy, 1844, to be the type species of *Eriechinus* Pomel, 1883 (which, according to the information furnished in the application, would lead to *Maccoya* Pomel, 1883, falling as a junior synonym of *Eriechinus* Pomel, 1883) or (b) the designation by the Commission of *Palaeechinus lucazei* Julien, 1896, to be the type species of *Eriechinus* Pomel (in which case, according to the information furnished in the application, *Lovenechinus* Jackson, 1912, would fall as a junior subjective synonym of *Eriechinus* Pomel, 1883) ?

**13. Issue of Public Notices :** Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 15th April 1952 (a) in Double-Part 7/8 of volume 7 of the *Bulletin of Zoological Nomenclature* (the Part in which was published the appeal to specialists reproduced in paragraph 12 of the present *Opinion*) and (b) to the other prescribed serial publications.

**14. Comments received in response to the Public Notice issued in April 1952 :** The Public Notice issued in the present case, published in April 1952 concurrently with Mr. Hemming's appeal to specialists for advice, elicited comments from two specialists, each of whom supported the action recommended by Dr. Mortensen. The specialists concerned were :—(1) Professor Dr. H. Engel (*Zoologisch Museum, Amsterdam, The Netherlands*) ; (2) Dr. Austin H. Clark (*Smithsonian Institution, U.S. National*

*Museum, Washington, D.C., U.S.A.*), one of the original co-applicants in the present case. The communications so received are given in the immediately following paragraphs. No objection to the use of the Plenary Powers for the purposes recommended by Dr. Mortensen was received from any source.

**15. Support received from Professor Dr. H. Engel (Zoologisch Museum, Amsterdam, The Netherlands) :** On 17th April 1952, Professor Dr. H. Engel (*Zoologisch Museum, Amsterdam, The Netherlands*) addressed a letter to the Commission, commenting upon a number of cases dealt with in the then just published Part 7/8 of volume 7 of the *Bulletin*. The following is an extract from the foregoing letter of the portion relating to the present case :—"It seems desirable to suppress *Eriechinus* for *Lovenechinus* (Case 26, p. 244) (Z.N.(S.) 613)."

**16. Support received from Dr. Austin H. Clark (Smithsonian Institution, U.S. National Museum, Washington, D.C., U.S.A.) :** On 20th May 1952, Dr. Austin H. Clark (*Smithsonian Institution, U.S. National Museum, Washington, D.C., U.S.A.*) addressed a letter to the Commission commenting on the cases of Echinoderm nomenclature dealt with in Part 7/8 of volume 7 of the *Bulletin*. The following is an extract from the foregoing letter of the portion relating to the present case :—"I recommend that . . . *Lovenechinus* . . . be placed on the *List of nomina conservanda* in the sense in which they are used in Mortensen's *Monograph of the Echinoidea*."

### III.—THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

**17. Issue of Voting Paper V.P.(O.M.)(54)9 :** In May 1954, Mr. Hemming, as Secretary, prepared for the consideration of the Commission a brief note, summarising the history of the present case, giving an account of the interim decision taken in Paris in 1948, of the action subsequently taken to secure the views of interested specialists, and of the comments so elicited. This note was submitted to the Commission on 12th May 1954, together with a Voting Paper (V.P.(O.M.)(54)9), in which the Members of the Commission were invited to vote either for, or



against, " the proposal relating to the name *Lovenechinus* Jackson, 1912, as set out at the foot of the present Voting Paper." The draft Ruling so submitted is not reproduced here, for its terms were identical with those of the Ruling given at the head of the present *Opinion*.

**18. The Prescribed Voting Period :** As the foregoing Voting Paper was issued under the One-Month Rule, the Prescribed Voting Period closed on 12th June 1954.

**19. Particulars of the Voting on Voting Paper V.P.(O.M.)(54)9 :** At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(O.M.)(54)9 was as follows :—

(a) *Affirmative Votes had been given by the following sixteen (16) Commissioners (arranged in the order in which Votes were received) :*

Sylvester-Bradley ; Lemche ; Riley ; Holthuis ; Hering ;  
Dymond ; Vokes ; Stoll ; Esaki ; Hankó ; Hemming ;  
Boschma ; Bradley (J.C.) ; Cabrera ; Bonnet ; Pearson ;

(b) *Negative Votes :*

None ;

(c) *On Leave of Absence, one (1) :*

Mertens ;

(d) *Voting Papers not returned, two (2)<sup>7</sup> :*

do Amaral ; Jaczewski.

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<sup>7</sup> After the close of the Prescribed Voting Period an affirmative vote was received from each of the Commissioners here concerned ; from Commissioner Jaczewski on 1st July 1954 ; from Commissioner do Amaral on 3rd July 1954.



**20. Declaration of Result of Vote :** On 13th June 1954, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(O.M.)(54)9, signed a Certificate that the Votes cast were as set out in paragraph 19 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

**21. Preparation of the Ruling given in the present "Opinion" :** On 17th March 1955, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(O.M.)(54)9.

**22. Original References :** The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

- Eriechinus* Pomel, 1883, *Class. méth. Gen. Echin. viv. foss.* : 114  
*Lovenechinus* Jackson, 1912, *Mem. Bost. Soc. nat. Hist.* 7 : 207,  
 324  
*missouriensis*, *Oligoporus*, Jackson, 1896, *Bull. geol. Soc. Amer.*  
 7 : 184—186, Pl. 9, figs. 50—52  
*Typhlechinus* Neumayr, 1889, *Stämme des Thierr.* 1 : 363

**23. Family-Group-Name Aspect :** The application dealt with in the present *Opinion* was submitted to the Commission many years before the establishment of the *Official List of Family-Group Names in Zoology*. It was not found possible to investigate this aspect of this case prior to the submission to the Commission of Voting Paper V.P.(O.M.)(54)9. This question is however now being examined on a separate file to which the Registered Number Z.N.(G.) 125 has been allotted.

**24.** At the time of the submission of the present application the name applicable to the second portion of a binomen was "trivial name". This was altered to "specific name" by the

Fourteenth International Congress of Zoology, Copenhagen, 1953, which at the same time made corresponding changes in the titles of the *Official List* and *Official Index* of names of this category. These changes in terminology have been incorporated in the Ruling given in the present *Opinion*.

25. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

26. The present *Opinion* shall be known as *Opinion* Three Hundred and Seventy-Two (372) of the International Commission on Zoological Nomenclature.

DONE in London, this Seventeenth day of March, Nineteen Hundred and Fifty-Five.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**